

**REMARKS**

Claims 1, 3-15, 17-22, 24, 25, 27-29 and 31-33 remain pending in the application.

**Claims 1, 3-15, 17-22, 24, 25 and 27-33 over Schmidt in view of Reitmeier**

In the Office Action, claims 1, 3-15, 17-22, 24, 25 and 27-33 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Pat. No. 6,160,585 to Schmidt et al. ("Schmidt") in view of U.S. Pat. No. 6,560,285 to Reitmeier et al. ("Reitmeier"). As discussed in each of the previous two Amendments (filed on August 6, 2003 and on February 18, 2004), claim 30 is a canceled claim. Otherwise, the Applicant respectfully traverses the rejection.

Claims 1, 3-15, 17-22, 24, 25, 27-29 and 31-33 variously recite a **packetized**, digital **audio** broadcast (DAB) system, including a **unique local** identifying code in a header of **each** data **packet** relating to each local digital packetized audio information source.

Schmidt teaches a conventional **streaming video** transmission system wherein video is passed through an analog multiplexer 14 (Fig. 1) that combines two **streaming video** data signals into a single **streaming video** data signal. (Schmidt, col. 2, lines 7-10) According to Schmidt, normal or baseline video is **streamed** continuously by all receivers, while the **streaming video** signal for commercials may be multiplexed with the baseline **streaming video** signal. (Schmidt, col. 2, lines 19-23; 37-40; 51)

The present invention claims **packetized** local **audio**.

It is respectfully submitted that a person of ordinary skill in the art would NOT have looked to Schmidt in combination with multiple other references cited by the Examiner to build improved packetized audio techniques as claimed.

The Examiner cites Schmidt as a primary reference alleging, inter alia, that it teaches use of a plurality of local broadcast identifying codes each associated with a respective one of the plurality of local content source information streams (e.g., a level address discrimination which bases upon the geographical location). (Office Action at 2)

The use of unique local identifying codes are an important part of the present invention, as is their placement in a header of each data packet relating to each local digital packetized audio information source. The Examiner provides absolutely no reference to any particular feature in Schmidt that discloses unique local identifying codes as claimed. Rather, the Examiner simply states a generality that is somewhat unintelligible, i.e., “(e.g. a level address discrimination which bases upon the geographical location)”. Whatever the Examiner is referring to, it certainly isn’t a unique local identifying code that’s placed in a header of each data packet, as claimed by all pending claims of the present invention.

Nevertheless, the Examiner agrees that “Schmidt fails to teach a digital radio transmitter and packetizing the information stream, wherein at least one of the plurality of local broadcast identifying codes is contained in a header of each data packet”. (Office Action at 3)

To cure this important deficiency, the Examiner cites a particular passage of Reitmeier (col. 4, lines 49-58) for allegedly teaching “identifying codes in a header of each data packet”. (Office Action at 3)

**Reitmeier is not prior art to the claims of the present application.** Reitmeier was filed on April 15, 1999, more than 5 months after the present application was filed.

The rejection cannot stand on Schmidt alone, as the Examiner agrees that Schmidt fails to teach a very important aspect of the present invention, i.e., “a digital radio transmitter and packetizing the information stream, wherein at least one of the plurality of local broadcast identifying codes is contained in a header of each data packet”. (Office Action at 3)

Accordingly, it is respectfully requested that the rejection be withdrawn.

#### **USP 6,118,820**

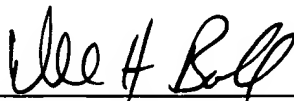
Applicant notes that Reitmeier by the Examiner is a continuation IN PART from 09/050,304, which is now USP 6,118,820. The Examiner will note that the particular passage in Reitmeier (USP 6,560,285) used to allegedly teach

the important use of a local ID code in each data packet, is entirely ABSENT from the teachings of the later filed, and cited, Reitmeier USP 6,560,285.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

  
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